

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FIRST NATIONAL BANK OF ARIZONA, :

Plaintiff, :

v. :

MAJESTIC HOME MORTGAGE, et al., :

Defendants. :

Civil Action No. 02-2935 (SRC)

ORDER

CHESLER, U.S.D.J.

THIS MATTER having come before the Court on the unopposed motion to strike all pleadings of Defendant Kazuyo Ueda Sakhrani (“Mrs. Sakhrani”) filed by: (1) Defendant Lawyers Title Insurance Corporation [docket items 234-35]; (2) Plaintiff First National Bank of Arizona (“FNBA”) [docket item 236]; and (3) Defendants Majestic Home Mortgage, LLC, Steve Botulinski, and John Tarapata (collectively, “Majestic Defendants”), [docket item 240]; and upon the Report and Recommendation issued by United States Magistrate Judge Mark Falk [docket item 253], pursuant to 28 U.S.C. § 636(b)(1), on August 3, 2007; and the Court having received no objection to Judge’s Falk’s Report and Recommendation; and this Court having reviewed the papers submitted by the moving parties in support of their motions, and having reviewed the analysis set forth in the Report and Recommendation issued by Judge Falk; and this Court having considered the motions to strike all pleadings of Mrs. Sakhrani *de novo*; and

IT APPEARING that 28 U.S.C. § 636(b)(1) authorizes a district judge to designate a magistrate judge to conduct hearings and submit proposed findings of fact and recommendations for the disposition of certain motions, and to “accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate judge”; and it further

APPEARING that Federal Rule of Civil Procedure 37 provides federal courts authority to sanction a party who fails to respond to discovery requests or to appear at deposition, and such sanctions may include dismissing a party’s pleadings, FED. R. CIV. P. 37(b)(2)(C) and (d) ; and it further

APPEARING that consideration of the facts in light of the factors set forth in Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984), indicates the recommendation to strike Mrs. Sakhrani’s pleadings is appropriate; it is therefore,

On this 20th day of August, 2007,

ORDERED that the court hereby **ADOPTS** the report and recommendation of Judge Falk for the reasons expressed in his thorough and well-reasoned opinion; and it is further

ORDERED that the motions to strike all pleadings of Mrs. Sakhrani filed by: (1) Defendant Lawyers Title Insurance Corporation [docket items 234-35]; (2) FNBA [docket item 236]; and (3) the Majestic Defendants [docket item 240], are **GRANTED**; and it is further

ORDERED that all pleadings filed by Mrs. Sakhrani [docket item 37] are hereby stricken from the record.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge